


UNITED STATES BANKRUPTCY COURT DISTRICT OF IDAHO (POCATELLO)		PROOF OF CLAIM
Name of Debtor John E Nichols Barbara J Nichols	Case Number 00-42215	<div style="font-size: 2em; font-weight: bold;">13</div>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503		
Name of Creditor (The person or other entity to whom the debtor owes money or property): William H Mulbeny Name and Address where notices should be sent: Clerk of the District Court Bonneville County 605 N. Capital Ave. Idaho Falls, ID 83402 Telephone Number:	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	 00-42215 THIS SPACE IS FOR COURT USE ONLY
Account or other number by which creditor identifies debtor: CR 00-2553	Check here if <input type="checkbox"/> replaces <input type="checkbox"/> amends a previously filed claim, dated _____	
1. Basis for Claim <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input checked="" type="checkbox"/> Other <u>Court Ordered Restitution - See attached.</u>		
2. Date debt was incurred: 10/3/2000		
3. If court judgment, date obtained: 10/3/2000		
CLASS C CLAIM IN PLAN		
4. Total Amount of Claim at Time Case Filed: \$ <u>\$6,862.84</u>		
If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
5. Secured Claim. <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____		
6. Unsecured Priority Claim. <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,300),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$ 1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____). *Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.		
8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.		
9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		
Date 5/2/01	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): PETER J. CANTOS JR. ATTY/DEBTORS	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.		

Chapter 12 and 13 claims, along with any supporting must be filed in duplicate.

Filed pursuant to Rule 3004, Federal Rules of Bankruptcy Procedure

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE

STATE OF IDAHO,)	
)	Case No. CR-00-2553
Plaintiff,)	
)	ORDER WITHHOLDING JUDGMENT
-vs.-)	AND ORDER OF PROBATION
)	
JOHN ELWOOD NICHOLS,)	
DOB: 08/01/1981,)	
SS: 522-59-96122,)	
)	
Defendant.)	
)	

On the 27th day of June, 2000, John Elwood Nichols was arraigned before the Honorable Gregory S. Anderson, District Judge of the Seventh Judicial District Court in and for the County of Bonneville.

The defendant was fully informed by the Court of the nature of the charge of grand theft, as set forth in the Information, a violation of Idaho Code Section 18-2403(1), 18-2407(1)(b)(1), which was committed February through May, 2000. The defendant entered a plea of guilty to the charge of grand theft, a violation of Idaho Code Section 18-2403(1), 18-2407(1)(b)(1).

On the 2nd day of October, 2000, the Prosecuting Attorney together with the above named defendant and his counsel of record, Mr. Ron Tyler Bird, appeared before the Court for the pronouncement of sentence upon the defendant. Upon inquiry from the Court, the defendant advised that he did not wish to withdraw his guilty plea. Further, counsel for the defendant was provided the opportunity to speak on behalf of the defendant and the Court advised the defendant of his right to make a statement in his own behalf and to present any information in mitigation of punishment. The defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given.

The defendant requested probation from the District Court and said District Court, having reviewed and considered the criteria for placing a defendant on probation or imposing imprisonment under I.C. 19-2521, and having reviewed the provision of I.C. 19-2601 and Rule 33 (d) of the Idaho Criminal Rules regarding the granting of withheld judgment, does

hereby order and decree that judgment be withheld and said defendant be placed on probation for a period of four (4) years under the following conditions:

1. That the probation is granted to and accepted by the probationer, subject to all the terms and conditions specified in the Conditions of Probation and the Department of Corrections Agreement of Supervision, which must be obeyed, a copy of which is attached hereto and made a part hereof by this reference, and with the understanding that the Court may at any time, in case of violation of the terms of the probation, cause the probationer to be returned to the Court for the imposition sentence as prescribed by law.

2. That the probationer shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court and subject to the rules of probation as prescribed by the Board of Correction and the District Court including those attached hereto.

3. That the probationer, if placed on probation to a destination outside the State of Idaho, or leaves the confines of the State of Idaho with or without permission of the Director of Probation and Parole does hereby waive extradition to the State of Idaho and also agrees that the said probationer will not contest any effort by any state to return the probationer to the State of Idaho.

4. That the probationer is also subject to the following Special Conditions, to wit:

- a. The probationer shall serve 14 days in the Bonneville County Jail on work release. Credit will be allowed for time served.
- b. The probationer shall complete 100 hours of community service and pay all related Worker's Compensation fees.

5. And it is further ordered that upon expiration of the period of withheld judgment herein fixed, or the earlier determination thereof, and upon written showing by or on behalf of the defendant that he has fully complied with the terms of probation, then and in that event, this action shall be dismissed.

6. No fine was imposed. It is further ordered that the defendant shall pay \$50.00 to the Victims Rights Fund, \$6,862.84 restitution and \$38.50 Court Costs.

Done in open court this 3rd day of October, 2000.

Gregory S. Anderson
GREGORY S. ANDERSON
District Judge

cc: State
Ron Tyler Bird
Probation and Parole
Bonneville County Sheriff - Jail

CONDITIONS OF PROBATION

1. Probationer shall report within 72 hours unless otherwise directed by the Court to the District 7 Probation and Parole Office and make himself available to the probation activation process.

2. Probation has been ordered for a specific length of time; however, probation shall not be terminated until the Court has both reviewed the performance of the probationer and has signed an order discharging the probationer. Probation is subject to extension for non-payment of costs, fines, and restitution or unsatisfactory performance.

3. In addition to any jail sentence ordered to be served immediately, the probationer shall serve an additional 90 days at any time during the probationary period to be served at the discretion of the court as recommended by an agent of probation and parole.

4. Probationer shall pay the following to the clerk of the District Court:

Court Costs	38.50
Victim's Relief Fund	\$50.00
Fine	No Fine
Restitution	\$6,862.84

The Court may order probationer to pay up to an additional 25% of restitution ordered to be paid to compensate for delay in payment. If restitution is not set at the time of sentencing, the prosecutor's office shall submit an itemized statement of costs, which will determine restitution, subject to further order of the court.

If community service has been ordered by the Court or as a condition of supervision on a specialized caseload, the probationer is responsible for workman's compensation fees at a rate of 60 cents per hour unless waived or reduced by the Court.

5. Probationer shall not purchase, carry, or have in possession or control any firearm, ammunition, explosives, or other dangerous weapons.

6. Probationer shall not, without permission from the Court or probation department: (a) purchase or operate a motor vehicle; (b) incur any unnecessary indebtedness; (c) leave the assigned district.

7. Probationer shall submit to a search of his person, residence or vehicle, at the request of an agent of probation and parole, without a search warrant.

8. Probationer shall maintain employment or an approved program at all times or, if not employed, make a diligent effort to obtain employment. Probationer shall report any termination of employment or program to the supervising probation officer within two days of termination.

9. Probationer shall participate in any mental health, drug/alcohol abuse program, vocational habilitation, educational or learning program as recommended by his probation officer and

10. Probationer shall participate in and successfully complete any specialized caseload program prescribed by the Department of Corrections as recommended by the supervising probation officer.

12. Probationer shall not frequent any establishment where the sale of alcohol is the major source of income and must not consume any alcoholic beverages nor use any drugs or controlled substances not prescribed by a licensed physician.

14. Probationer shall respect and obey all laws and report any criminal arrest or receipt of any citation for violation of the law to his probation officer within two days of arrest or receipt of any citation.

This is to certify that I have read or have had read to me and fully understand all the conditions, regulations, and restrictions as made by the State Board of Corrections and those imposed by the District Court as conditions of my being granted probation. I hereby agree to abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation.

Date _____